

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

NORTH SIDE BANK and TRUST COMPANY,	:	APPEAL NO. C-160282 TRIAL NO. A-1401272
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
J.S. GOLD & COIN, INC.,	:	
Defendant,	:	
and	:	
DFL MEDIA CONSULTANTS INC.,	:	
Intervenor/Defendant- Appellee,	:	
and	:	
NANCY E. HENDRICKS, et al.,	:	
Defendants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Appellant Kanter Investments #1, Ltd., has appealed from the trial court's adoption of the magistrate's decision denying its motion to intervene in the underlying litigation. Kanter and DFL Media Consultants, Inc., a successful intervenor and

defendant-appellee, have both raised claims to the excess proceeds from the January 2015 sheriff's sale of property belonging to defendant J.S. Gold & Coin, Inc.

DFL Media is a judgment creditor of J.S. Gold & Coin by virtue of a judgment obtained in a separate case in June 2014. Kanter is also a judgment creditor in a third lawsuit. It obtained a judgment against J.S. Gold & Coin on August 17, 2015—six months after the property had been sold.

DFL Media moved to intervene in this case. Kanter filed a cross-motion to intervene. The trial court granted DFL Media's motion to intervene and denied Kanter's motion.

The court added its certification that there was no just reason for delay. *See* Civ.R. 54(B). Thus its entry denying Kanter's motion to intervene was a final appealable order. *See Queen City Lodge No. 69 v. State Emp. Relations Bd.*, 1st Dist. Hamilton No. C-060530, 2007-Ohio-170, ¶ 10.

But this court cannot reach the merits of Kanter's appeal. Kanter has not set forth an assignment of error challenging the trial court's decision denying its motion to intervene. It is well-established that an appeal from the denial of a motion to intervene is limited solely to the issue of intervention, not the merits of the underlying appeal. *State ex rel. Sawicki v. Court of Common Pleas*, 121 Ohio St.3d 507, 2009-Ohio-1523, 905 N.E.2d 1192, ¶ 18. Kanter was not a party to the action below and has no standing to challenge any other aspect of the trial court's order. *See Sawicki* at ¶ 18.

The appeal is dismissed. *See Sawicki* at ¶ 20.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and STAUTBERG, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on November 23, 2016

per order of the court _____.

Presiding Judge